

CHAPTER 4.0 FINAL SECTION 4(f) EVALUATION

4.1 Introduction

This Section 4(f) evaluation is prepared in accordance with 23 USC 138 and the Federal Highway Administration (FHWA) regulations for Section 4(f) compliance (23 CFR 774). Additional guidance has been obtained from the following sources:

- FHWA's *Guidance for Preparing and Processing Environmental and Section 4(f) Documents* (1987);
- FHWA's revised *Section 4(f) Policy Paper* (2005);
- FHWA and the Federal Transit Administration's (FTA's) *Guidance for Determining De Minimis Impacts to Section 4(f) Resources* (2005);

This chapter of the EIS also considered potential conversions of land protected by Section 6(f) of the Land and Water Conservation Act (LWCF).

4.2 Regulatory Setting

4.2.1 Section 4(f) of the Department of Transportation Act of 1966

Section 4(f) of the Department of Transportation Act of 1966 prohibits the U.S. Secretary of Transportation from approving any program or project that:

...requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

The requirements of Section 4(f) only apply to agencies within the USDOT (e.g., FHWA, FTA, Federal Aviation Administration). The USDOT can approve the use of Section 4(f) property by making a finding of *de minimis* impact for that property. If such a finding is made, an evaluation of avoidance alternatives is not required¹.

To provide additional context for the Section 4(f) findings in this evaluation, the following sections provide information regarding each of the steps in the process for complying with Section 4(f):

- Identifying Section 4(f) resources;
- Determining whether there is a "use" of any Section 4(f) resource;
- Determining which of the uses, if any, are "*de minimis*"; and
- Identifying and evaluating avoidance and minimization alternatives for any uses that are not determined to be *de minimis*.

¹ The option of making a finding of *de minimis* impact was created by an amendment to Section 4(f) in Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which was enacted in August 2005.

4.2.1.1 Identifying Section 4(f) Resources

Section 4(f) applies to publicly owned parks, recreation areas, and wildlife and waterfowl refuges, as well as significant historic properties (whether publicly or privately owned). FHWA is responsible for identifying the Section 4(f) resources in a project area and for determining whether a project will result in the use of such resources. This determination is based on information gathered during the National Environmental Policy Act (NEPA) process and considers input received from officials who have jurisdiction over the Section 4(f) resources, including public agencies that manage or own the resources and the State Historic Preservation Office (SHPO).

Publicly owned land is considered to be a park, recreation area or wildlife and waterfowl refuge when the land has been officially designated as such by a Federal, State or local agency and the officials of these governmental entities, having jurisdiction over the land, determine that one of the major purposes and functions of the property is a park, recreation area, or a wildlife refuge. Incidental, secondary, occasional or dispersed park, recreational or refuge activities do not constitute a major purpose.

A historic site is significant only if it is on or eligible for the National Register of Historic Places (NRHP), unless FHWA determines that the application of Section 4(f) is otherwise appropriate (Federal Highway Administration 2005).

4.2.1.2 Use of Section 4(f) Resources

Section 4(f) use, as defined in 23 CFR 774.17, occurs in any of the following cases:

- Land is permanently incorporated into a transportation facility through partial or full acquisition (i.e. “direct use”);
- There is temporary occupancy of land that is adverse in terms of the preservationist purpose of Section 4(f) (i.e. “temporary use”); or
- There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (i.e. “constructive use”).

As outlined in 23 CFR 774.15, a constructive use of a protected resource occurs under any of the following situations:

- (i) The projected noise level increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a resource protected by Section 4(f), such as hearing the performances at an outdoor amphitheater, sleeping in the sleeping area of a campground, enjoyment of a historic site where a quiet setting is a generally recognized feature or attribute of the site’s significance, or enjoyment of an urban park where serenity and quiet are significant attributes;
- (ii) The proximity of the proposed project substantially impairs the aesthetic features or attributes of a resource protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the resource;
- (iii) The project results in a restriction on access which substantially diminishes the utility of a significant publicly owned park, recreation area, or historic site;
- (iv) The vibration impact from operation of the project substantially impairs the use of a Section 4(f) resource, such as projected vibration levels from a rail transit project that are great enough to affect the structural integrity of a historic building or substantially diminish the utility of the building; and
- (v) The ecological intrusion of the project substantially diminishes the value of wildlife habitat in a wildlife or waterfowl refuge adjacent to the project or substantially interferes with the access to a wildlife or waterfowl refuge, when such access is necessary for established wildlife migration or critical life processes.

4.2.1.3 *De Minimis* Impact Findings

The requirements of Section 4(f) will be considered satisfied with respect to a Section 4(f) resource if it is determined that a transportation project will have only a "*de minimis* impact" on the 4(f) resource. The provision allows avoidance, minimization, mitigation and enhancement measures to be considered in making the *de minimis* determination. The Agencies with jurisdiction must concur in writing with the determination. *De minimis* impact is defined in 23 CFR 774.17. *De minimis* impact means:

- For parks, recreation areas, and wildlife and waterfowl refuges, a *de minimis* impact is one that will not adversely affect the features, attributes or activities qualifying the property for protection under Section 4(f).
- For historic sites, *de minimis* impact means that the Administration has determined, in accordance with 36 CFR part 800 that no historic property is affected by the project or the project will have "no adverse effect" on the property in question.

4.2.1.4 Avoidance and Minimization Alternatives

If an alternative would use a Section 4(f) resource and the use is not *de minimis*, FHWA cannot approve that alternative unless

- (1) there is no prudent and feasible avoidance alternative; and
- (2) the project includes all possible planning to minimize harm resulting from the use.

These avoidance and minimization findings are made with regard to each individual Section 4(f) resource that would be used by an alternative. For example, if an alternative uses land from several different parks and historic properties, the Section 4(f) evaluation will consider avoidance and minimization options for each of those resources.

In addition, avoidance and minimization is considered more globally when comparing alternatives. For example, if there are two alternatives, FHWA will compare the alternatives overall in terms of their level of impact on Section 4(f) resources. Generally, if there are any prudent and feasible alternatives that completely avoid the use of any Section 4(f) resources, FHWA must select one of them; if all of the prudent and feasible alternatives involve some use of Section 4(f) resources, FHWA must compare the alternatives and select the prudent and feasible alternative that minimizes harm to Section 4(f) resources.

4.2.1.5 Least Overall Harm

In cases where analysis concludes there is no feasible and prudent avoidance alternative, the FHWA may approve only the alternative that causes the least overall harm to Section 4(f) resources. Least overall harm is determined by balancing the factors listed in 23 CFR 774.3(c)i-vii.

4.2.2 *Section 6(f) of the Land and Water Conservation Fund Act*

State and local governments often obtain grants under Section 6(f) of the Land and Water Conservation Fund (LWCF) Act of 1965, as amended (16 USC 4601–4604 et seq.), to acquire or make improvements to parks and recreation facilities. Section 6(f)(3) contains provisions to protect these investments and specifically prohibits the conversion of property acquired or developed with these grants to non-recreational use without the approval of the National Park Service, part of the U.S. Department of the Interior (USDIO).

Section 6(f)(3) directs USDIO to ensure that replacement lands of equal monetary value, location, and usefulness are provided as conditions for these conversions. Therefore, when conversions of LWCF-assisted lands are proposed for transportation projects, replacement lands must be provided (National Park Service 1991).

4.3 Summary of Proposed Action

For the purposes of this chapter Alternative 4 is called the Proposed Action (see Section 4(f) outline in the FHWA Technical Advisory 6640.8A, part IX on page 44). It should be noted that for this chapter the Proposed Action includes the four Provo/Orem options and the three American Fork Main Street options. The Proposed Action would provide for major widening and reconstruction of the existing I-15 facility from south Payson in Utah County to 12300 South in Salt Lake County (see Figure 4-1 on page 4-6). The I-15 study area is 43 miles long. Generally, the improvements include increasing the number of travel lanes on I-15 to meet the project's purpose and need, improve interchange configurations, and improve roadway geometry along I-15 to increase safety. A complete and detailed discussion is found in Chapter 2 of this EIS.

4.3.1 *Summary of Purpose and Need for Action*

The purpose and objectives are to relieve 2030 peak-hour congestion within the I-15 corridor to acceptable levels, on mainline I-15, on the existing 22 interchanges, and interchange components which provide access to and from local communities. The secondary purposes or objectives of this project include:

- Achieving Level of Service (LOS) D on I-15, interchanges and their components for the year 2030;
- Improving roadway safety by upgrading substandard roadway, bridge, and interchange elements to current American Association of State Highway Transportation Officials (AASHTO) and UDOT design standards;
- Providing consistency with Regional Transportation plans prepared by MAG and WFRC;
- Improving the regional and intra-county movement of people and goods;
- Providing a transportation system that is reasonably consistent with locally adopted land use and transportation plans and with the stated objectives of local governments and communities.

As documented in Chapter 1 the need for this project includes the following:

- The year 2030 LOS for I-15 will decline such that it is below the project goal of LOS D. Figure 1-2 provides a comparison of the year 2005 and year 2030 No Build LOS;
- There are sections of the freeway that have crash severity that exceeds the statewide average;
- There are 68 bridges that do not meet current vertical clearance standards;
- There are 14 bridges whose structural sufficiency ratings, combined with substandard vertical clearance, require either reconstruction or full replacement; and
- There are 15 vertical curves and 2 horizontal curves that are substandard due to inadequate stopping sight distance; two ramps which have inadequate acceleration length.

A full discussion of purpose and need is provided in Chapter 1 of this EIS.

4.3.2 *Summary of Alternatives*

The following is a description of the alternatives advanced in this EIS. The process by which these alternatives were developed involved a multiphase screening of several initial alternatives and their ability to meet purpose and need. A full description of the range of alternatives, the screening process, and the reasons for elimination of some alternatives is described in detail in Chapter 2.

Two alternatives were identified for advancement into full evaluation in this EIS: Alternative 1 (No Build) and Alternative 4 (I-15 Widening and Reconstruction).

4.3.2.1 *Alternative 1: No Build*

The definition of Alternative 1 (No Build) was revised to take into account both the advancement of Commuter Rail Transit (CRT) into the Utah Transit Authority's (UTA) local project development process and decisions made in the

Mountain View Corridor EIS regarding the location of the southern connection of the proposed Mountain View Corridor to I-15 in Utah County. As a result, Alternative 1 consists of the following elements:

- All highway and transit projects identified in the Mountainland Association of Governments (MAG) Utah Valley 2030 Regional Transportation Plan (2005 adopted version)² except for I-15 widening and reconstruction;
- All highway and transit projects identified in the Wasatch Front Regional Council (WFRC) 2007-2030 Regional Transportation Plan³ except for I-15 widening and reconstruction. As the Regional Transportation Plan includes I-15 widening and reconstruction, No Build must exclude it to provide an alternative that is the basis for comparison;
- Proposed Mountain View Corridor as a freeway connecting to I-15 at Lehi 2100 North;
- Ongoing routine I-15 pavement preservation projects;
- Ongoing routine I-15 bridge preservation projects; and
- Commuter Rail Transit from the Provo University Avenue Station to the Salt Lake Intermodal Station (UTA's Frontrunner).

4.3.2.2 Alternative 4: I-15 Widening and Reconstruction (Preferred Alternative)

As described in Section 2.1.5 of Chapter 2, the commuter rail component of Alternative 4 was studied and approved by the Utah Transit Authority (UTA) in October 2007, in a separate environmental study. Therefore, there is no consideration of 4(f) issues for commuter rail.

Chapter 2 identifies Alternative 4, with the American Fork Option C and Provo/Orem Option D, as the Preferred Alternative. Alternative 4 includes widening and reconstruction of the existing I-15 facility, and involve the following:

- Addition of general purpose lanes;
- Extension of express lanes to US-6 in Spanish Fork;
- Reconstruction of interchanges;
- Improvements to bridges that cross the roadway;
- Improvements to connecting arterial streets, and
- Construction of a new interchange at North Lehi.

In the option areas, the Preferred Alternative includes Option D in Provo/Orem, and Option C in American Fork. These include:

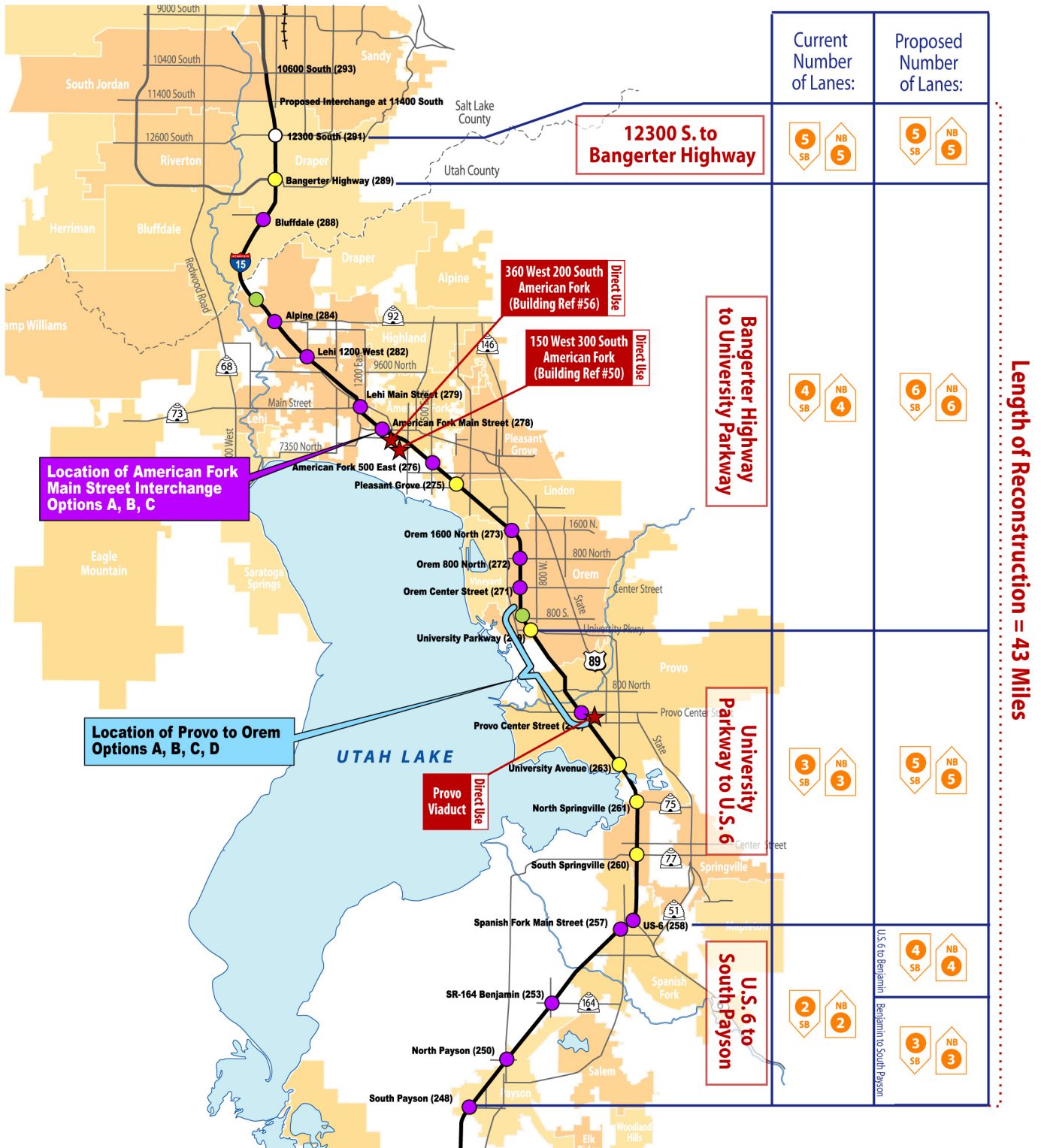
- Widening and reconstruction of I-15;
- A fly-over at the University Parkway Interchange;
- Re-alignment of Provo 820 North; and
- A "North SPUI" in American Fork.

Other elements, such as frontage roads in the Provo/Orem area (Options A and B), a new Orem 800 South Interchange (Provo/Orem Options A and C), and other interchange alignments at American Fork Main Street (Options A and B) are not included in the Preferred Alternative. These options are presented for comparative purposes.

² The Utah Valley 2030 Regional Transportation Plan is available for viewing on the MAG website located at www.mountainland.org.

³ The WFRC 2030 Regional Transportation Plan is available for viewing on the WFRC website located at www.wfrc.org.

I-15 CORRIDOR EIS | UTAH COUNTY - SALT LAKE COUNTY



Scale in Miles
0 1 2 3 4 5

LEGEND:

- I-15 within Roadway Study Corridor
- I-15 Interchanges within the I-15 South Study Corridor
- UTA TRAX

Segment Lane Configuration Symbol
Direction of Travel
Number of Lanes

- Reconstruct Existing Interchange
- Modify/Improve Existing Interchange
- Construct New Interchange

- Locations of Direct Use (non-de minimis) Section 4(f) Resources



Figure 4-1
Summary of Proposed Action

4.4 Identification of Section 4(f) Resources

This section identifies and describes the Section 4(f) resources in the study area that could be affected by the Proposed Action. This section discusses public parks and recreation areas, followed by historic resources.

4.4.1 Recreation Resources

The recreation resources considered in this EIS are those located within one-quarter mile (1,320 feet) of the highway on either side of the existing I-15 freeway from 800 South in Payson to 12300 South in Draper. Resource specialists determined that in this urban setting, a one-half mile wide area (one-quarter mile on each side of the right-of-way line of I-15) was a reasonably conservative area in which to assess potential impacts on Section 4(f) recreational resources. These resources include publicly owned trails, parks, and recreational facilities. No wildlife or waterfowl refuges are located within this area. A summary of the publicly owned parks, recreation facilities, and existing trails that are located within the I-15 Corridor is provided below in Table 4-1 and shown on Figures 4-2 and 4-3. In all, 21 parks, one trailhead, and one regional trail are located within one-quarter mile of the corridor. Information on planned or proposed trails in the project vicinity is provided in Section 3.10 of this EIS.

Table 4-1: Recreation Resources Located within the I-15 Corridor

Resource	Location / Description
Hillman Fields (also known as Orchard Hills Ball Park)	800 West 800 South, Payson—This 18.3-acre ball park, owned and maintained by Payson City, has two Pony League baseball fields, two youth/women's softball fields, two Little League baseball fields, concessions, and restroom facilities.
Pioneer Square	439 West Utah Avenue, Payson—This 3.48-acre open space area, owned and maintained by Payson City, is landscaped with grass and located at the Payson City Center. The Payson City offices, the Daughters of Utah Pioneers museum, and a pioneer cabin are located on-site.
North Park	507 East 1000 North, Spanish Fork—The park has a lighted pavilion that seats 100 people, restrooms, a 246-stall parking lot, 12 picnic pavilions, six uncovered picnic tables, two baseball fields, one volleyball court, and a one-acre pond (no fishing). North Park is owned and maintained by the City of Spanish Fork.
East Bay Golf Course	1860 South 380 East, Provo—This 18-hole golf course (approximately 200 acres), owned and operated by Provo City, includes a restaurant, a pro-shop, and restrooms.
Powerline Park #1	500 West 1400 South, Provo—This four-acre park, maintained by Provo City, has four picnic tables and a playground area. It is one of three small parks that Provo City leases from Rocky Mountain Power and maintains as a public park. The park has been leased by Provo City since 1986 and was renewed on November 20, 2006, for an additional 10 years.
Sunset View Park	525 South 1600 West, Provo—This 14-acre park, owned and maintained by Provo City, has playground equipment and restrooms.
West Park	1700 West 100 North, Provo—This two-acre park, owned and maintained by Provo City, has two picnic tables, a basketball court, and open space.
Fort Utah Park	200 North Geneva Road, Provo—This 15-acre park, owned and maintained by Provo City, has two pavilions, 14 picnic tables, a playground area, restrooms, a fort replica, a rugby field, a sand volleyball court, a baseball field, and a skate park. The baseball field is limited to league use only. A connection to the Provo River Parkway Trail is located along the north edge of the park.

Table 4-1: Recreation Resources Located within the I-15 Corridor - continued

Resource	Location / Description
Provo River Parkway Trail	This 15-mile regional trail begins at Utah Lake State Park, parallels the Provo River for 5 miles, follows University Avenue to Provo Canyon, and terminates up-canyon at Vivian Park. I-15 crosses over the trail and Provo River at an existing bridge at approximately 400 North in Provo. This regional trail connects to several parks within the city. Provo City owns and maintains the trail segment located within its municipal boundaries.
Geneva Road Trailhead	350 North Geneva Road, Provo—This one-acre trailhead, owned and maintained by Provo City, has a picnic area, a parking area, a drinking fountain, and access to fishing. The trailhead is an access point for the Provo River and Provo River Parkway Trail.
Paul Ream Wilderness Park	1600 West 500 North, Provo—This seven-acre park, owned and maintained by Provo City, has four pavilions, single and group picnic tables, restrooms, a duck pond, a gazebo, a nature trail with picnic tables, and fishing areas. The Provo River Parkway Trail connects to this park.
Harbor Park	800 North 2450 West, Provo—This five-acre park, owned and maintained by Provo City, has a pavilion, four picnic tables, a barbecue grill, a playground area, and open space areas landscaped with grass.
Nielsen's Grove	2000 South Sandhill Road, Orem—This 21.4-acre park, owned and maintained by the City of Orem, has a reflecting pool, a fountain, a pond, a parterre garden (formal garden), a greenhouse, a barn, eight picnic tables, restrooms, and the Nielsen's Grove Museum.
Orem City Skate Park	355 N 1200 West, Orem—This three-acre skateboard park, owned and maintained by the City of Orem, includes restroom facilities. An open area landscaped with grass adjacent to the skateboard park functions as a stormwater detention facility. During periods of high runoff, stormwater is also detained in the skateboard park.
Greenwood Park	500 South 200 East, American Fork—This 5.14-acre park, owned and maintained by American Fork City, contains a skateboard park, open space, and a Little League baseball field.
Rotary Park	400 South 200 East, American Fork—This 9.6-acre park, owned and maintained by American Fork City, has a pavilion, picnic tables, a playground area, restrooms, and grass areas with shade trees.
Bicentennial Park	350 South Center, American Fork—This 3.29-acre park, owned and maintained by American Fork City, has monuments, a playground area, and a sand volleyball court.
Lions Park	100 South 300 West, American Fork—This 3.5-acre park, owned and maintained by American Fork City, has a pavilion, picnic tables, and a playground area.
Margaret Wines Park	500 North Center Street, Lehi—This 3.5-acre park, owned and maintained by Lehi City, has four pavilions, 48 picnic tables, a playground, and restrooms.
Bandwagon Park	900 North 200 West, Lehi—This 2.1-acre park, owned and maintained by Lehi City, has two pavilions, 16 picnic tables, a playground area, and restrooms.
Dry Creek Trail Park	100 West 1500 North, Lehi—This 10-acre park, owned and maintained by Lehi City, has a pavilion, eight picnic tables, a playground with a miniature zipline, a nine-hole disc golf course, and a 0.5-mile-long trail. The park is north of the Dry Creek drainage.
North Entrance Park	1875 North Trinnaman Lane, Lehi—This 1.5-acre open space area, owned and maintained by Lehi City, is landscaped with grass and includes a parking area.
Pilgrims Landing Park	3000 West Pilgrims Loop Road, Lehi—This six-acre park, owned and maintained by Lehi City, has a pavilion, eight picnic tables, and a playground area.



Figure 4-2

Section 4(f) Resources in the Study Area in South and Central Utah County

LEGEND:

- Section 4(f) Parks
- I-15 Corridor

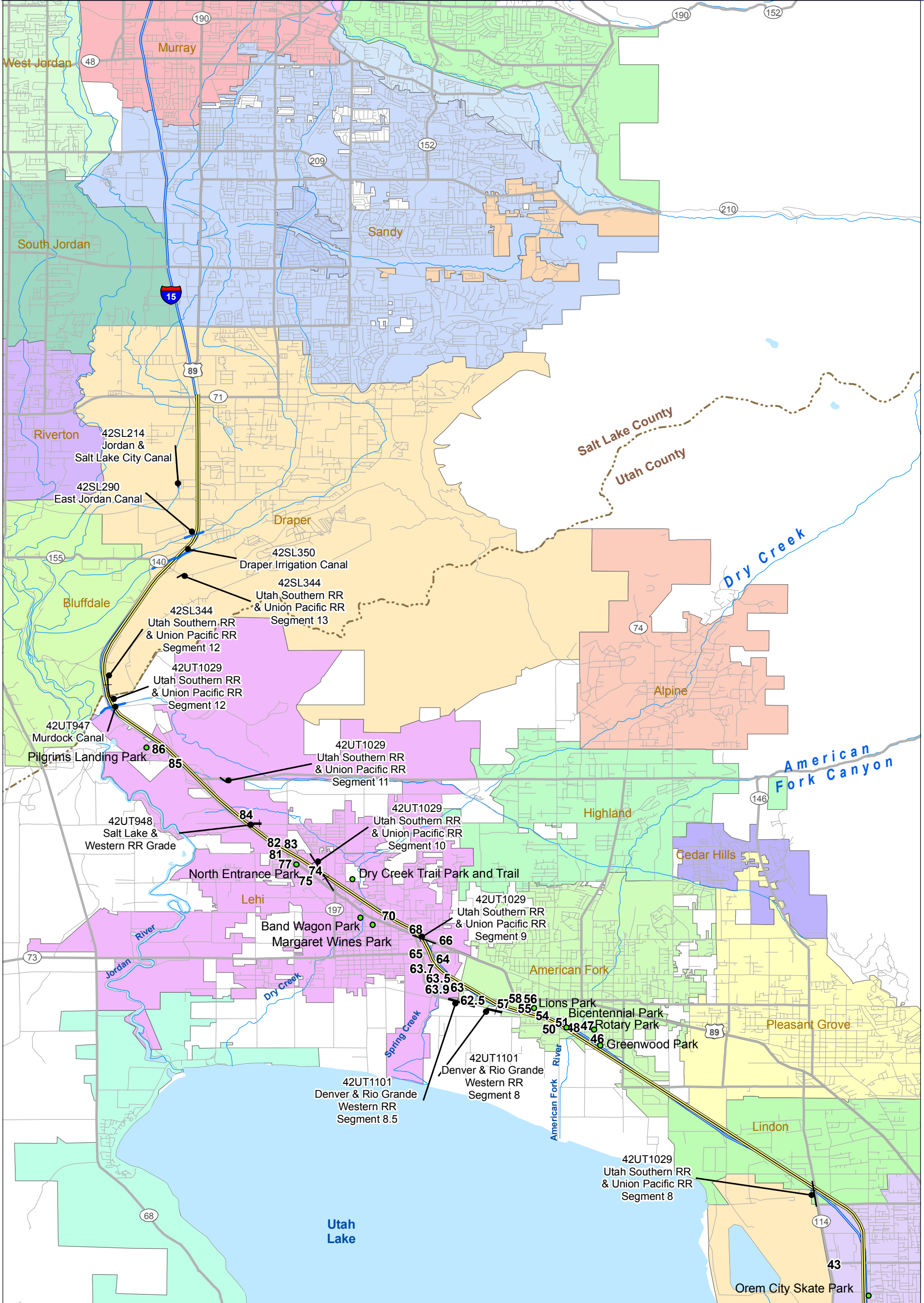
NRHP Eligible Historic Properties

- Canals
- Provo Viaduct
- Railroads



"1" Building Reference #


Note: This figure is a graphic representation of the general location of Section 4(f) resources and is not to scale.

THIS PAGE INTENTIONALLY LEFT BLANK



Section 4(f) Resources in the Study Area in North Utah County and South Salt Lake County

 Section 4(f) Parks
 I-15 Corridor

 Canals
 Provo Via
 Railroads

"1"

100

Note: This figure is a graphic representation of the general location of Section 4(f) resources and is not to scale.



THIS PAGE INTENTIONALLY LEFT BLANK